

**REMARKS**

A petition to extend the time for response by three (3) months is enclosed herewith.

Claims 1, 7, and 12 have been amended. Claims 1-7 and 10-12 are pending in the application.

The Examiner again is requested to please note the change in docket number from THE 0243 PUS to "2002P00193US01" in further correspondence.

In the Office Action, claims 7, 10, and 11 are rejected under 35 U.S.C. §112, second paragraph, as indefinite. Also, in the Office Action, claims 1-6 are rejected under 35 U.S.C. §103(a) as being obvious over the combination of WO 98/30838 to Martin et al in view of US 6439882 to Haynes or JP 59-52113. Additionally, in the Office Action, claims 7, 10, 11, and 12 are rejected under 35 U.S.C. §103(a) as being obvious over the combination of WO 98/30838 to Martin et al in view of US 1196230 to Graves.

With respect to the rejection of claims 7, 10, and 11 under 35 U.S.C. §112, second paragraph, as indefinite, Applicants note that claim 7 has been amended to clarify the structure of the "indexer" and submit that the rejection of these claims under 35 U.S.C. §112, second paragraph, is now overcome.

With respect to the rejection of claims 1 – 6 and 7, 10, 11, and 12 under 35 U.S.C. §103(a) as being obvious over the combination of WO 98/30838 to Martin et al with respective secondary references, these

rejections are respectfully traversed in view of the amendments of claims 1, 7, and 12 and the following comments.

WO 98/30838 to Martin et al discloses a burner head assembly 2 having a top plate 4, an upper port assembly 6, and a base assembly 8. A plurality of lower burner ports 40 and a plurality of upper burner ports 34 are in fluid communication with a gas distribution space 44.

Independent Claim 1 of the present application has been amended to recite a burner with a plurality of fingers. The burner includes a burner head and a base supporting the plurality of fingers around an opening through which gas flows between the interior of a counter top and the burner head, each of the fingers extending outwardly relative to the opening and having an interior that is not in communication with the opening such that, when the base is mounted in a fixed position with respect to a cooktop surface of the counter top, leakage of fluids between the interior of the counter top and the cooktop surface via the fingers of the base is substantially foreclosed. The burner head of the recited burner also includes fingers corresponding in number to the plurality of fingers of the base and having a peripheral wall with a second plurality of ports positioned along both sides of the peripheral wall of each one of the plurality of fingers, the burner head being in communication with the opening of the base for the flow of gas between the interior of the counter top and the burner head. Additionally, in the burner recited in claim 1 as now amended, the second plurality of ports are formed continuously and substantially evenly spaced around each of the fingers and each of the ports formed as a slot in an upper portion of the peripheral wall. The burner also includes a cap having a plurality of overlapping fingers corresponding in number to the plurality of fingers and having a lip extending laterally beyond

peripheral wall and a plurality of flame vents connecting adjacent ports along the peripheral wall.

In the Office Action, it is asserted that WO 98/30838 to Martin et al discloses a burner head having a plurality of fingers (18 or 20). However, WO 98/30838 to Martin et al does not teach or disclose a base supporting a plurality of fingers around an opening through which gas flows between the interior of a counter top and the burner head such as is recited in claim 1 of the present application as now amended. The plurality of lower burner ports 40 of the burner disclosed in WO 98/30838 to Martin et al are in fluid communication with the opening through the counter top such that gas flows through these ports 40. In contrast, in the burner recited in claim 1 of the present application as now amended, each of the fingers of the base has an interior that is not in communication with the opening such that, when the base is mounted in a fixed position with respect to a cooktop surface of the counter top, leakage of fluids between the interior of the counter top and the cooktop surface via the fingers of the base is substantially foreclosed. Neither of the two secondary references, US 6439882 to Haynes nor JP 59-52113, remedies this deficiency in the disclosure of WO 98/30838 to Martin et al. Accordingly, it is submitted that claim 1 of the present application as now amended is neither taught nor disclosed by WO 98/30838 to Martin alone or in combination with either of US 6439882 to Haynes nor JP 59-52113.

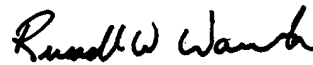
It is likewise submitted that WO 98/30838 to Martin et al fails to teach or disclose the burner for a cooktop recited in each of independent claims 7 and 12 of the present application for the same reasons as set forth above in the discussion concerning claim 1 of the present application as now amended. US 1196230 to Graves fails to remedy this deficiency in the disclosure of WO

ATTORNEY DOCKET NO.: 2002P00193US01

98/30838 to Martin et al. Accordingly, it is submitted that neither claim 7 nor claim 12 of the present application as now amended are taught or disclosed by WO 98/30838 to Martin alone or in combination with US 1196230 to Graves.

If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

Respectfully submitted



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